
Central Valley Regional Water Quality Control Board

24 June 2022

Mike Mahoney
Penryn Development, LLC
3990 Ruffin Road, Suite 100
San Diego, CA 92123

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; PENRYN DEVELOPMENT, LLC, ORCHARD AT PENRYN PROJECT (WDID#5A31CR00392A3), PLACER COUNTY

This Order responds to the 13 January 2022 request for an amendment of the Orchard at Penryn Project (Project) Section 401 Water Quality Certification (WDID#5A31CR00392). The original Water Quality Certification (Certification) was issued on 24 October 2014. An amendment was issued on 22 September 2016. A second amendment was issued on 19 May 2017. The requested third amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Penryn Development, LLC, is requesting a time extension through 14 March 2026 to coincide with 2021 Nationwide Permit 29 issued by the United States Army Corps of Engineers. Penryn Development, LLC, is also requesting to update the compensatory mitigation to show that mitigation bank credits will be purchased from the Sacramento River Ranch Mitigation Bank due to lack of availability from the previously selected mitigation bank.

Penryn Development, LLC, must provide documentation to the Central Valley Water Board from the United States Army Corps of Engineers (SPK-2007-00019) and the California Department of Fish and Wildlife authorizing in-water construction activities to continue until 14 March 2026.

The Certification is amended as shown below:

Approved Dates of Project Implementation: 15 March 2021 through 14 March 2026

The Certification is amended to include Technical Condition 16 as shown below:

To mitigate for the loss of 0.342 acre of jurisdictional wetlands and 0.033 acre of stream channel habitat, the Applicant shall purchase a minimum of 0.55 freshwater marsh complex establishment credits from the Sacramento River Ranch Mitigation Bank, as required by the United States Army Corps of Engineers, for the impacted watershed prior to commencing construction. Additionally, the Applicant will restore 0.057 acre of temporarily impacted waters of the United States and adjacent upland areas within 50 feet of waters of the United States to pre-Project conditions, as required by the United States Army Corps of Engineers. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of the mitigation credit purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

The Project Information Sheet is amended as shown below:

Compensatory Mitigation: To mitigate for the loss of 0.342 acre of jurisdictional wetlands and 0.033 acre of stream channel habitat, the Applicant shall purchase a minimum of 0.55 freshwater marsh complex establishment credits from the Sacramento River Ranch Mitigation Bank, as required by the United States Army Corps of Engineers, for the impacted watershed prior to commencing construction.

Additionally, the Applicant will restore 0.057 acre of temporarily impacted waters of the United States and adjacent upland areas within 50 feet of waters of the United States to pre-Project conditions, as required by the United States Army Corps of Engineers. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of the mitigation credit purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$3,944.00 for the original Certification were received on 16 July 2014. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3).

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

Nicholas Savino, Environmental Scientist
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
Nicholas.Savino@waterboards.ca.gov
(916) 464-4920

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Placer County certified an Environmental Impact Report on 11 December 2012 and filed a Notice of Determination with the State Clearinghouse on 21 December 2012 (SCH No. 2010032070). Placer County certified an Addendum to the Environmental Impact Report on 19 May 2015. Placer County filed a Notice of Determination with the State Clearinghouse on 26 May 2015.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Orchard at Penryn Project (WDID#5A31CR00392A3). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed by James Marshall for:

Patrick Pulupa
Executive Officer

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[Via email only]

Leah Fisher (SPK-2007-00019)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

United States Environmental Protection Agency
R9CWA401@epa.gov

California Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Bill Jennings
CA Sportfishing Protection Alliance
DeltaKeep@me.com

David Claycomb
Helix Environmental Planning
DaveC@helixepi.com

Lesley Scheuber
Helix Environmental Planning
LesleyS@helixepi.com

Kyrsten Shields
Helix Environmental Planning
KyrstenS@helixepi.com